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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,403	04/03/2001	Kenneth W. Shrum	10003507-2	1629

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EXAMINER

NGUYEN, TAM V

ART UNIT

PAPER NUMBER

2172

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/825,403	SHRUM ET AL.
	Examiner Tam V Nguyen	Art Unit 2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 April 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4 and 10-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 10-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. Claims 1-4 and 10-13 are pending in this office action. Claims 1-4 and 10-13 are presented for examination. This office action is in response to the application filed on 04/03/2001.

#### ***Election/Restrictions***

2. During a telephone conversation with Regan L. Trumper on 5/15/03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-4 and 10-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-9 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6052695) in view of Sheard et al. (US 6208345B1).

With respect to claim 1, Abe discloses in FIG. 4, the construction is one in which a plurality of servers 400a, 400b, 400c, etc. are connected in a layered construction. For example, in the case of a banking system, a method using so called distributed processing is possible, in which the server 400a in the top layer is a device in the main

office, while the other servers 400b, 400c, etc. are devices in the branches, (col. 14, lines 46-56) as step of ***plurality of tiers***. A plurality of servers 91A, 91B,...91E are connected together via a network 93 so as to be able to transmit signals between one another. To each of the servers 91A, 91B, and 91C there is connected a plurality of terminals 94A, 95A, 94B, 95B,..Each terminal 94A, 95A, 94B, 95B,...may for example be a workstation or a personal computer, and performs dispatch and receipt of message related to transactions between itself and the corresponding server 91A, 91B, or 91C. A server 91D and a server 91E respectively manage resources (in this example, files) 97D and 97E. The server 91A, 91B, and 91C have log data (updating history) based upon the updating commands, which they respectively have issued. Moreover, the items of log data in the logs 98A, 98B, and 98C are in a format, which specifies an image of the resource after updating, (col. 30, lines 8-23) as step of ***said tiers generating log files***. Further, in the other serve 121b, a resource manager 129 manages a resource such as a database 131 or the like, and a management table is provided for recording update log data which record whether or not actual updating has been performed for each record individually in the resource, (col. 37, lines 13-16) as step of ***database***. During transaction processing, first the update requesting section 133 of the AP\_125 acquires a time a time stamp and writes in the log file 127 the name of the record which is the subject of updating and the time stamp, and thereafter request the resource manager 129 to writ the update of the subject record and time stamp, (col. 37, lines 12-23) as step of ***reading the log files***. The resource manager 129, when it has received this request, along with writing an item of update log data including the time stamp in an

area corresponding to the subject record of the management table in the database 131, executes the actual updating of this subject record, (col. 37, lines 23-27) as step of ***querying the database to obtain information stored.***

Abe discloses a database 131-stored update log data including the time stamp, (col. 37, lines 23-27). However, Abe does not teach database store ***said information comprising performance measurements of the installation, and graphically presenting said measurements.*** Sheard discloses in FIG. 9, a statistic monitor module 264 and an associated statistics log 276 which are used to provide monitoring and tracking of data as it moves through the data exchange system. The statistics monitor module 264 also provides historical performance information on queues and historical information on system resource usage. The statistics monitor module 264 provides a means for logging and tracking a given application. Logging reveals the state of the application at the time of an error, while tracing provides a description of all software events as they occur. The tracing information may be used for tracking the application, state, and other related operations. The tracing information may be used in conjunction with the logging information to determine the cause for an error since it provides information about the sequence of events prior to an error, (col. 15, lines 50-65) as step of ***said information comprising performance measurements of the installation.***

The System Management and Business Management views, respectively shown in FIGS. 21 and 22, are typically used to control the runtime operation of a data integration project. The transport framework 502 gathers throughput information on the various queues which may be displayed in a charting application by double clicking on a

selected queue while in the System Management from the menu, (col. 24, lines 28-35) as step *of graphically presenting said measurements*. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database stored information in Abe by including said information comprising performance measurements of the installation, and graphically presenting said measurements as taught in Sheard. By doing so, the data integration system and methodology capable of effectively integrating data produced by applications of varying technologies, (col. 2, lines 65-col. 3, lines 1).

As to claim 2, Abe further discloses wherein said plurality of tiers comprises a web servers tier, a session servers tier, a transaction servers tier and a database servers tier, (col. 29, lines 30-50).

As to claim 3, Abe further discloses wherein said web server tier comprises a plurality of web servers with each of said plurality of web servers generating log files, said log files comprising hit rate data, hosts served data, data volume data, error rates data, log file size monitor data, system load data and generic data, (col. 29, lines 30-50); said session servers tier comprises plurality of session servers with each of said plurality of session servers generating a plurality of log files, said plurality of log files comprising users served data, restarts data, IM status data, IM load data, database connectivity data, error rates data and system load data, (col. 29, lines 30-50); said transaction servers tier comprises a plurality of transaction servers with each of said

plurality of transaction servers generating a plurality of log files and a plurality of databases, said log files comprising open and discarded cart rates data, shopper in store data, authorized, cancelled, declined data, payment service error data, inventory status data, system load data and said databases comprising sales per hour data, items sold per hour data, new order rates data, processed order rates data, fulfilled order rates data shipping network connectivity data, orders awaiting authorization data and order awaiting shipment data, (col. 29, lines 30-50); and said database servers tier comprises a plurality of database servers with each of said plurality of database servers generating a plurality of databases, said plurality of databases comprising database access performance data, database size monitor data, database connectivity error rate data and system load data, (col. 29, lines 30-50).

As to claim 4, Abe discloses in FIG. 36, two servers 140a and 140b are connected together via a network 123. The first server 140 comprises an application program (AP) 141, which mainly performs transaction processing, (col. 37, lines 60-64). However, Abe does not disclose ***said user site is a fully functional web-based business application or e-commerce monitoring solution.*** Sheard teaches business extension module #6 may include a set of components that provide for the development of electronic commerce (i.e., E-commerce) interfaces. The adapter associated with the components of business extension module #6 may include the following: EDI adapters for supporting various Edi dialects; and security control adapters that provide for user verification and access authorization, encrypted

transactions, non-repudiation of completed transactions, and system and transaction access control, (col. 17, lines 57-65) as step of ***said user site is a fully functional web-based business application or e-commerce monitoring solution.*** Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the application program in Abe by including ***said user site is a fully functional web-based business application or e-commerce monitoring solution*** as taught by Sheard. By doing so, the data integration system and methodology capable of effectively integrating data produced by applications of varying technologies, (col. 2, lines 65-col. 3, lines 1).

5. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheard et al. (US 6208345B1) in view of Walker et al. (US 6301701B1).

With respect to claim 10, Sheard discloses in FIG. 9, a statistic monitor module 264 and an associated statistics log 276 which are used to provide monitoring and tracking of data as it moves through the data exchange system. The statistics monitor module 264 also provides historical performance information on queues and historical information on system resource usage. The statistics monitor module 264 provides a means for logging and tracking a given application. Logging reveals the state of the application at the time of an error, while tracing provides a description of all software events as they occur. The tracing information may be used for tracking the application, state, and other related operations. The tracing information may be used in conjunction with the logging information to determine the cause for an error since it provides

information about the sequence of events prior to an error, (col. 15, lines 50-65) as step of **measuring system performance data for each of the web server, the session server, the session server, the transaction server, and the database server**. The system Management and Business Management views, respectively shown in FIGS. 21 and 22, are typically used to control the runtime operation of a data integration project. The transport framework 502 gathers throughput information on the various queues, which may be displayed in a charting application by double clicking on a selected queue while in the System Management view. The business Management view is used primarily to chart statistical analyses carried out by the business extension modules. Double clicking on a component, such as a Business Analysis component, results in displaying of the charts of information trends and distributions associated with Business Analysis component, (col. 24, lines 28-50) as step of **measuring business performance data comprising monetary volume transacted by the e-commerce installation during a time period**.

Sheard discloses selected customer phone record information may be transported between systems 80 and a disparate billing application 118 via CGI adapter 86 and screen scraper 114 coupled to terminal interface 116, (col. 11, lines 56-59). However, Sheard does not teach **configuration and executing user transaction tests and reporting user transaction test results**. Walker discloses in FIG. 5, the steps associated with transaction tester 54. As briefly mentioned above, transaction tester 54 facilitates a rapid, efficient and repeatable testing of the transactions associated with the application. Such transaction testing is performed in an automatic manner wherein the

transaction tester 54 creates, runs and checks transaction tests. The present invention provides a method for test a transaction of a software application using test data that is automatically generated from the definition of the transaction, (col. 12, lines 44-54) as step of ***configuration and executing user transaction tests***. In a step 72, transaction tester 54 reports test results in a current test report from the test data following execution step 70. The current test report displays the transaction behavior resulting from the execution of the transaction on the test data, (col. 13, lines 24-29) as step of ***reporting user transaction test results***. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sheard by including configuration and executing user transaction tests and reporting user transaction test results as taught in Walker. By doing so, test data can be automatically generated by a computer from the analysis of the transaction and remains robust or dynamic through modifications to the transaction, (col. 3, lines 1-6).

As to claim 11, Sheard further discloses wherein the business performance data further comprises financial data transacted by the e-commerce installation during a time period, (col. 17, lines 57-65).

As to claim 12, Sheard further discloses processing the system performance data to generate system graphics illustrating system performance measured against system performance baselines and system performance thresholds, (col. 24, lines 27-44); and processing the business performance data to generate business graphics illustrating

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billing performance measured against business performance baselines and business performance threshold, (col. 24, lines 27-44).

As to claim 13, Sheard further discloses collecting the system performance data and the business performance data from the e-commerce installation, (col. 15, lines 50-65); and transferring the system performance data and the business performance data to the computer system, (col. 19, lines 26-39).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Delo (US 6237144B1) shows use of relational databases for software installation.

Revashetti et al. (US 6453347B1) shows active marketing based on client computer configurations.

Curtis (US 6374401B1) shows system, method, and program for updating registry objects with a cross-platform installation program.

**Contact Information**

**7. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam V Nguyen whose telephone number is (703) 305-3735. The examiner can normally be reached on 7:30AM-5: 00PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for formal communications and (703) 746-7240 for informal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia 22202. Fourth Floor (Receptionist).

**9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.**

TV:tv

05/15/03



JEAN M. CORRIEULUS  
PRIMARY EXAMINER